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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,171	03/27/2001	Hiroshi Kaibara	1232-4692	1895
27123	7590	09/08/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			NGUYEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 09/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/818,171

**Applicant(s)**

KAIBARA, HIROSHI

**Examiner**

LUONG T NGUYEN

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayama et al. (US 5,640,619).

Regarding claim 1, Takayama et al. discloses an image sensing apparatus comprising an operation unit (command dial 10 and mode change button 6, figure 1, column 6, lines 35-46) to set image sensing conditions (automatic or manual mode, column 6, lines 35-46); memory (memory 46, figure 1, column 6, lines 35-46) to store the image sensing conditions; determination means (CPU 41, column 9, lines 30-55) for determining whether or not a predetermined image sensing condition was set when the image sensing apparatus was last shut down; control means (CPU 41, column 9, lines 30-55) for, in a case where the predetermined image sensing condition was set, controlling to read the image sensing conditions stored in said

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memory and set the image sensing conditions in the image sensing apparatus when turning on the image sensing apparatus.

Regarding claim 2, Takayama et al. discloses said control means to set default image sensing conditions when turning on the image sensing apparatus (column 13, lines 34-43).

Regarding claims 3, 6, Takayama et al. discloses said predetermined image sensing condition is a manual image sensing mode (column 6, lines 7-12).

Regarding claims 4, 7, Takayama et al. discloses said predetermined image sensing condition is an ON state of storing image sensing conditions (column 6, lines 35-46).

Regarding claim 5, Takayama et al. discloses determination means (CPU 41, column 9, lines 30-55) also determines whether or not a predetermined image sensing condition is set; and the image sensing conditions are stored in a case where the predetermined image condition is set (memory 46, figure 1, column 6, lines 35-46).

Regarding claims 8, 18, Takayama et al. discloses the image sensing conditions are stored at a time of shutting down the image sensing apparatus (the automatic mode will be set when power source is engaged. This also means that the automatic mode is stored when power shut down, column 9, lines 18-21).

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Regarding claims 9, 19, Takayama et al. discloses the image sensing conditions are stored at a time designated by a user (self timer, column 13, lines 34-42).

Regarding claims 10, 20, Takayama et al. discloses all of the image sensing conditions are stored in said memory (column 6, lines 40-45).

Regarding claims 11, 21, Takayama et al. discloses at least one of the image sensing conditions is stored in said memory (column 6, lines 40-45).

Regarding claims 12-17, claims 12-17 are method claim of apparatus claims 1, 3-7, respectively. Therefore, see Examiner's comments regarding claims 1, 3-7.

Regarding claims 22-23, all the limitations are contained in claims 12 and 15, except the feature "computer readable program code means," which is disclosed as "program" in Takayama et al., column 7, lines 24-65.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogawa et al. (US 5,765,052) discloses camera with plurality of camera modes and methods.

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Fellegara et al. (US 6,441,854) discloses electronic camera with quick review of last captured image.

Sawachi (US 6,714,246) discloses portable image pick-up apparatus and method of controlling operation thereof.

Kikuchi (US 6,757,020) discloses detecting/setting the on/off state of a display in a video camera with manual and automatic function.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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09/03/04

  
NGOC YEN VU  
PRIMARY EXAMINER